

E. Chase
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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1.131

In Re Application : Michael J. Sullivan
For : IMPROVED MULTI-LAYER GOLF BALL
Serial No. : 08/926,246
Filed : September 5, 1996
Examiner : M. Graham
Art Unit : 3711
Last Office Action : June 10, 1999
Attorney Docket No. : SLD 2 035-1-2-2

Cleveland, Ohio 44114-2518
September 7, 1999

SUBMISSION OF DECLARATION UNDER 37 C.F.R. §1.131

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Attached hereto is a facsimile copy of a Declaration under 37 C.F.R. §1.131. The undersigned hereby certifies that this facsimile is made from the originally signed Declaration Under 37 C.F.R. §1.131.

Respectfully submitted,

FAY, SHARPE, FAGAN, MINNICH
& MCKEE LLP.

[Signature]
Richard M. Klein
Reg. No. 33,000
1100 Superior Avenue, 7th Floor
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CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this SUBMISSION OF DECLARATION AND DECLARATION in connection with U.S. Application Serial No. 08/926,246 is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 3711 at Telephone No. (703) 308- on this 7th day of September, 1999.

By: *[Signature]*
Nancy J. Kingzett

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DECLARATION UNDER 37 C.F.R. §1.131

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

As a person signing below:

1. I, Michael J. Sullivan, do hereby declare and say that I am an inventor in the above-identified United States patent application, which Office Action has rejected the claims in said application over U.S. Patent No. 5,314,187 to Proudfit, filed on June 29, 1992 and issued on May 24, 1994.
2. I have read and am familiar with the above Office Action rejecting the claims of the present application. I have further read and am familiar with the Proudfit patent (U.S. 5,314,187) over which said above applicant's claims were rejected.
3. I declare that at a date prior to June 29, 1992, the effective filing date for the subject matter of Proudfit relied upon by the Examiner in the outstanding Office Action, the invention disclosed in the present application was completed in this country. In this regard, I have attached hereto copies of data reproduced from my Laboratory notes (dates

omitted), and other technical data material which establishes the completion of the invention prior to June 29, 1992. As can be seen from the attached data, Table 1 (Exhibit 1) corresponds to Table 7 of the present application and Table 2 (Exhibit 2) corresponds to data present in Table 8 of the present application. I hereby declare that the attached evidentiary materials were prepared prior to June 29, 1992.

4. Specifically, Table 1 attached hereto represents various inner cover layer blends used in preparing golf balls according to the present application. The blends shown in Table 1 for inner cover layers correspond to the blends for inner cover layers of Table 7 in the present application in the following manner.

Attached Table 1
Reference No.

U.S. 08/926,246
Corresponding Table 7
Reference Letter

| | |
|------|---|
| 61-1 | A |
| 61-2 | B |
| 61-3 | C |
| 61-4 | D |
| 61-5 | E |

5. Table 1 gives the composition and properties of balls that were molded using materials that form the inner layer of the multi-layer ball. That is, (in Table 1) 1.680" diameter balls were molded over 1.545" diameter cores, giving a cover having a wall thickness of about 0.0675". These balls included the high acid materials from Exxon (ex. 61-1), DuPont (ex. 61-3) as well as zinc stearate loaded high acid (ex. 61-2), Surlyn 1605, now designated Surlyn 8940 (ex. 61-4) and a blend of Iotek 8000/7030 (ex. 61-5). The spin, COR, and other various properties are ultimately for comparison with the multi-layer balls according to the invention as shown in Table 2 (which corresponds to data in Table 8 of the present application).

6. The balls of Table 1 were then ground down to a size of 1.620" and covered with a "soft" outer layer to form the balls of Table 2.

7. Table 2 shows the resultant golf balls (1.680" diameter) using, as an outer layer, one of three materials, 1) a hard/soft ionomer blend according to the present application, 2) a polyurethane from B.F. Goodrich, and 3) Surlyn 9020 (previously designated Surlyn 1855).

8. The resultant balls depicted in Table 2 are represented in Table 8 of the present application as follows:

| <u>U.S. 08/926,246</u> | |
|-------------------------|------------------------------|
| <u>Attached Table 2</u> | <u>Corresponding Table 8</u> |
| <u>Reference No.</u> | <u>Reference No.</u> |
| 544-84-1 | 1 |
| 544-84-2 | 2 |
| 544-84-3 | 3 |
| 544-84-4 | 4 |
| 544-84-5 | 5 |

9. It is noted that the component designated as "core" type in table 2, using identifiers 61-1 through 61-5, correspond to the intermediate balls having those same reference numbers in Table 1. Likewise, Table 8 of the present application also utilizes the intermediate golf balls of Table 7, A-D, which correspond to the intermediate balls 61-1 through 61-4 of Table 1 attached hereto (as set forth above).

10. Each of the dates deleted from Exhibits 1 and 2 is prior to June 29, 1992.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true ; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Michael J. Sullivan Sept. 1, 1999
Michael J. Sullivan (Date)

Table 2

| | | | | | |
|------------------|-------------|-------------|-------------|-------------|-------------|
| 544-84 | -1 | -2 | -3 | -4 | -5 |
| "Core" Type | <u>61-1</u> | <u>61-2</u> | <u>61-3</u> | <u>61-4</u> | <u>61-5</u> |
| Cover * | TE-90 | TE-90 | TE-90 | TE-90 | TE-90 |
| Compression | 63 | 63 | 69 | 70 | 62 |
| COR | .784 | .778 | .780 | .770 | .779 |
| Shore C Hardness | 88 | 88 | 88 | 88 | 88 |
| Spin (RPM) | 8,825 | 8,854 | 8,814 | 8,990 | 8,844 |
| Cut Resistance | 3-4 | 3-4 | 3-4 | 3-4 | 3-4 |

| | | | |
|------------------|-------------|-------------|-------------|
| 544-84 | -6 | -7 | -8 |
| "Core" Type | <u>61-1</u> | <u>61-5</u> | <u>61-4</u> |
| Cover | PU | PU | 9020 |
| Compression | 67 | 69 | 61 |
| COR | .774 | .772 | .757 |
| Shore C Hardness | 74 | 73 | 89 |
| Spin (RPM) | 10,061 | 10,637 | 8,846 |
| Cut Resistance | 3-4 | 3-4 | 1-2 |

- * A) PU is B.F. Goodrich Polyester Polyurethane X-4517
 B) TE-90 is 22.7 wt-% Iotek 8000; 22.7 wt-% Iotek 7030;
 45.0 wt-% Iotek 7520; 9.6 wt-% White MB
 C) 9020 is Surllyn 9020

 J. Sullivan

Table 1

| <u>544-</u> | <u>61-1</u> | <u>61-2</u> | <u>61-3</u> | <u>61-4</u> | <u>61-5</u> |
|------------------|-------------|-------------|-------------|-------------|-------------|
| Iotek EX-959 | 50 | 50 | -- | -- | -- |
| Iotek EX-960 | 50 | 50 | -- | -- | -- |
| Zinc Stearate | -- | 50 | -- | -- | -- |
| Surlyn 8162 | -- | -- | 75 | -- | -- |
| Surlyn 8422 | -- | -- | 25 | -- | -- |
| Surlyn 1605 | -- | -- | -- | 100 | -- |
| Iotek 7030 | -- | -- | -- | -- | 50 |
| Iotek 8000 | -- | -- | -- | -- | 50 |
| | | | | | |
| Compression | 58 | 58 | 60 | 63 | 62 |
| COR | .811 | .810 | .807 | .793 | .801 |
| Shore C Hardness | 98 | 98 | 97 | 96 | 96 |
| Spin Rate (RPM)* | 7,367 | 6,250 | 7,903 | 8,337 | 7,956 |
| Cut Resistance | 4-5 | 4-5 | 4-5 | 4-5 | 4-5 |

* Note: Test performed with a Tour Edition #9 iron and a club head speed of 105 fps.

Michael J. Sullivan
[REDACTED]